

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

| | | |
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| In re: |) | |
| |) | Chapter 11 |
| LTL MANAGEMENT LLC,¹ |) | |
| |) | Case No. 21-30589 (JCW) |
| Debtor. |) | |
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| LTL MANAGEMENT LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Adv. Pro. No. 21-03032 (JCW) |
| |) | |
| THOSE PARTIES LISTED ON APPENDIX |) | |
| A TO COMPLAINT and JOHN AND JANE |) | |
| DOES 1-1000, |) | |
| |) | |
| Defendants. |) | |
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**JOINT DESIGNATION OF EXHIBITS AND WITNESSES
OF CERTAIN MESOTHELIOMA CLAIMANTS AND
THE MDL PLAINTIFFS' STEERING COMMITTEE**

NOW COME the law firms of Maune Raichle Hartley French & Mudd, LLC; Levy Konigsberg LLP; Kazan, McClain, Satterley & Greenwood; and Weitz & Luxenberg P.C. (on behalf of "Certain Mesothelioma Claimants");² together with the Plaintiffs' Steering Committee (the "PSC") in the In re Johnson & Johnson Talcum Powder Products Marketing, Sales Practices

¹ The last four digits of the Debtor's taxpayer identification number are 6622. The Debtor's address is 501 George Street, New Brunswick, New Jersey 08933.

² The law firms submitted the *Memorandum of Law of Certain Mesothelioma Claimants As Creditors in Opposition to Debtor's Motion for an Order (I) Declaring that the Automatic Stay Applies to Certain Actions Against Non-debtors or (II) Preliminarily Enjoining Such Actions and (III) Granting a Temporary Restraining Order Pending a Final Hearing* (the "Meso Claimants' Memorandum") [ECF No. 44] for practical and procedural purposes only, and these submissions do not constitute any acceptance of service or waiver of rights regarding notice and service.

and Products Liability Multi-District Litigation (MDL No. 2738) before the United States District Court for the District of New Jersey, MDL no. 16-2738 (FLW) (LHG) (the “MDL”), by and through the undersigned counsel, and hereby submit this *Joint Designation of Exhibits and Witnesses of Certain Mesothelioma Claimants and the MDL Plaintiffs’ Steering Committee* (the “Joint Designation”) for the hearing on November 4 and 5, 2021, (the “Hearing”) on the *Debtor’s Motion for an Order (I) Declaring that the Automatic Stay Applies to Certain Actions Against Non-debtors or (II) Preliminarily Enjoining Such Actions and (III) Granting a Temporary Restraining Order Pending a Final Hearing* (the “Injunction Motion”) [ECF No. 2] filed by the above-captioned debtor (the “Debtor”) and the responses and memoranda in opposition thereto [ECF Nos. 44, 45, 49, 50, and 52], including the Meso Claimants’ Memorandum and *The MDL Plaintiffs’ Steering Committee’s Memorandum of Law in Opposition to Debtor’s Motion for an Order (I) Declaring that the Automatic Stay Applies to Certain Actions Against Non-debtors or (II) Preliminarily Enjoining Such Actions and (III) Granting a Temporary Restraining Order Pending a Final Hearing* (the “MDL PSC Memorandum”) [ECF No. 49]. Certain Mesothelioma Claimants and the MDL PSC (together, the “Objecting Parties-in-interest”) so designate the following exhibits and witnesses for production at the Hearing, which shall be provided electronically to the Court and opposing counsel:

List of Exhibits

| Number | Exhibit Description |
|---------------|--|
| Exhibit 1 | Barden et al. v. Brenntag et al. Transcript 7/22/2019 |
| Exhibit 2 | Herford v. AT&T Corp. et al. Transcript 10/30/2017 |
| Exhibit 3 | John Hopkins Deposition Transcript 4/11/2018 |
| Exhibit 4 | John Hopkins Deposition Transcript 1/28/2019 |
| Exhibit 5 | In re LTL Management – TRO Hearing Transcript 10/22/2021 |

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| Exhibit 6 | Olson v. J&J et al. Transcript 5/3/2019 |
| Exhibit 7 | Marc Monsaeu 2/24/2004 Email and Lab Test Sheet |
| Exhibit 8 | 3/16/1998 Letter to John C. O'Shaughnessy |
| Exhibit 9 | J&J JBP Advertisement (1980) |
| Exhibit 10 | John McKeegan 6/4/2000 Email and AP Story |
| Exhibit 11 | John McKeegan Deposition Transcript 6/14/2021 |
| Exhibit 12 | J&J "What We Know" Advertisement Review Email 12/17/2018 |
| Exhibit 13 | J&J Letter to U.S. House Subcommittee 3/11/2019 |
| Exhibit 14 | J&J CEO Alex Gorsky Twitter Video December 2018 ³ |
| Exhibit 15 | CNN "Mad Money" Screenshot Featuring J&J CEO Alex Gorsky |
| Exhibit 16 | Olson v.J&J et al. Transcript 5/21/2019 |
| Exhibit 17 | Leavitt Jury Verdict Sheets 3/13/2019 |
| Exhibit 18 | Prudencio Jury Verdict Sheets 8/19/2021 |
| Exhibit 19 | Barden et al. Jury Verdict Sheets 9/11/2019 |
| Exhibit 20 | Olson v. J&J et al. Transcript 5/31/2019 |
| Exhibit 21 | Olson v. J&J et al. Punitive Damages Bonds |
| Exhibit 22 | J&J Shower to Shower Formulation Letter 10/4/1976 |
| Exhibit 23 | Shower to Shower Respirable Particles Study Letter 6/3/1976 |
| Exhibit 24 | J&J Kolmar Talc Delivery Letter 1/27/1970 |
| Exhibit 25 | Kolmar Labs J&J Formulation Spec Sheet 2/15/1967 |
| Exhibit 26 | McNeill-George v. Brenntag, et al. J&J Interrogatory Responses Filed 5/13/2019 |
| Exhibit 27 | Etheridge v. Brenntag et al. J&J 8/27/2019 Memorandum re: JJCI |
| Exhibit 28 | Barden et al. v. Brenntag et al. Transcript 8/19/2019 |
| Exhibit 29 | Barden et al. v. Brenntag et al. Transcript 9/3/2019 |
| Exhibit 30 | French Affidavit – Dickens 6/20/2018 |
| Exhibit 31 | French Affidavit – Smith 9/10/2018 |
| Exhibit 32 | French Affidavit – English 4/17/2019 |

³ The video file for Exhibit 14 will be provided to the Court and opposing counsel and may be presented at the Hearing.

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| Exhibit 33 | French Affidavit – Holleman 4/17/2019 |
| Exhibit 35 | LTL Management Interrogatory Responses |
| Exhibit 36 | J&J 1979 Form 10-K |
| Exhibit 37 | J&J 1978 Form 10-K (LTL 19191–234) |
| Exhibit 40 | JJBPC Shareholder Meeting and APA re: Omni Transfer 7/21/1981 |
| Exhibit 41 | JJBPC and J&J Dental APA 1/3/1988 |
| Exhibit 42 | J&J 1978 Annual Report |
| Exhibit 43 | Personal Products Co. Memo re: Shower to Shower 9/21/1978 |
| Exhibit 44 | J&J 1979 Annual Report |
| Exhibit 45 | J&J 1980 Annual Report |
| Exhibit 46 | J&J 1981 Form 10-K |
| Exhibit 47 | Personal Products Co. Shower to Shower Spec Sheet 1/3/1978 |
| Exhibit 48 | Personal Products Co. Shower to Shower clinical Test 7/29/1981 |
| Exhibit 49 | J&J Executive Committee Actions 7/18/1986–9/11/1986 (LTL 19687) |
| Exhibit 50 | J&J & Cyprus Mines Agreement 1/6/1989 |
| Exhibit 51 | Kevin Neat Deposition Transcript 8/6/2021 |
| Exhibit 52 | Herford v. AT&T Corp. et al. J&J Interrogatory Responses Filed 5/10/2017 |
| Exhibit 53 | Kerkhof et al. v. Brenntag et al. J&J Interrogatory Responses |
| Exhibit 54 | Von Salzen v. Am. Inter. Indus. et al. J&J Interrogatory Responses Filed 4/2/2018 |
| Exhibit 55 | Lopez v. Brenntag et al. J&J Interrogatory Responses Filed 9/20/2018 |
| Exhibit 56 | North River & Lloyd's Insurance Letter re: Talc Claims 5/31/2018 (LTL 12180–210) |
| Exhibit 64 | Westport Insurance Letter 8/6/2020 (LTL 12483–87) |
| Exhibit 65 | Travelers Insurance Letter 4/22/2021 (LTL 12477–82) |
| Exhibit 66 | Travelers Insurance Letter 9/19/2020 (LTL 12475–76) |
| Exhibit 67 | Travelers Insurance Letter 10/8/2020 (LTL 12471–74) |
| Exhibit 68 | Travelers Insurance Letter 10/2/2020 (LTL 12469–70) |
| Exhibit 69 | Travelers Insurance Letter 9/21/2020 (LTL 12462–68) |

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| Exhibit 70 | Travelers Insurance Letter 9/3/2020 (LTL 12453–55) |
| Exhibit 71 | Travelers Insurance Letter 8/27/2020 (LTL 12450–52) |
| Exhibit 72 | Travelers Insurance Letter 8/24/2020 (LTL 12447–49) |
| Exhibit 73 | Travelers Insurance Letter 8/12/2020 (LTL 12444–46) |
| Exhibit 74 | Travelers Insurance Letter 8/4/2020 (LTL 12439–43) |
| Exhibit 75 | Travelers Insurance Letter 7/29/2020 (LTL 12432–38) |
| Exhibit 76 | Travelers Insurance Letter 9/4/2019 (LTL 12424–27) |
| Exhibit 77 | Travelers Insurance Letter 5/10/2019 (LTL 12420–43) |
| Exhibit 78 | Travelers Insurance Letter 4/8/2019 (LTL 12416–19) |
| Exhibit 79 | Travelers Insurance Letter 3/22/2019 (LTL 12411–15) |
| Exhibit 80 | Travelers Insurance Letter 3/1/2019 (LTL 12409–10) |
| Exhibit 81 | Travelers Insurance Letter 1/7/2019 (LTL 12404–08) |
| Exhibit 82 | Travelers Insurance Letter 4/2/2018 (LTL 12326) |
| Exhibit 83 | Safety National Insurance Letter 8/10/2020 (LTL 12313–15) |
| Exhibit 84 | Multiple Insurance Policies Letter 10/18/2021 (LTL 12310–12) |
| Exhibit 85 | Multiple Insurance Policies Letter 9/21/2021 (LTL 12307–09) |
| Exhibit 86 | Multiple Insurance Policies Letter 8/3/2021 (LTL 12304–06) |
| Exhibit 87 | Multiple Insurance Policies Letter 6/22/2021 (LTL 12301–03) |
| Exhibit 88 | Multiple Insurance Policies Letter 5/25/2021 (LTL 12298–300) |
| Exhibit 89 | Multiple Insurance Policies Letter 4/20/2021 (LTL 12293–95) |
| Exhibit 90 | Multiple Insurance Policies Letter 3/22/2021 (LTL 12290–92) |
| Exhibit 91 | Multiple Insurance Policies Letter 2/22/2021 (LTL 12285–87) |
| Exhibit 92 | Multiple Insurance Policies Letter 10/19/2020 (LTL 12270–72) |
| Exhibit 93 | Multiple Insurance Policies Letter 9/22/2020 (LTL 12267–69) |
| Exhibit 94 | Multiple Insurance Policies Letter 8/19/2020 (LTL 12264–66) |
| Exhibit 95 | Multiple Insurance Policies Letter 7/15/2020 (LTL 12261–63) |
| Exhibit 96 | Multiple Insurance Policies Letter 6/22/2020 (LTL 12258–60) |
| Exhibit 97 | Multiple Insurance Policies Letter 4/1/2020 (LTL 12240–42) |
| Exhibit 98 | Multiple Insurance Policies Letter 8/28/2019 (LTL 12225–27) |

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| Exhibit 99 | Multiple Insurance Policies Letter 8/28/2019 (LTL 12222-24) |
| Exhibit 100 | Multiple Insurance Policies Letter 6/20/2019 (LTL 12219-21) |
| Exhibit 101 | Multiple Insurance Policies Letter 3/20/2019 (LTL 12214-16) |
| Exhibit 102 | Multiple Insurance Policies Letter 1/10/2019 (LTL 12211-13) |
| Exhibit 125 | Fox Verdict Sheet |
| Exhibit 126 | Ristesund Verdict Sheet |
| Exhibit 127 | Slemp Verdict Sheet |
| Exhibit 128 | <u>Ingham, et al. v. Johnson & Johnson</u> , Decision by Missouri Court of Appeals, June 23, 2020 |
| Exhibit 129 | J&J's Motion for Entry of Order Modifying Automatic Stay filed in <u>In re Imerys Talc America, Inc.</u> , Case No. 19-10289 (LSS), Doc. 1567 (Bankr. Del. March 20, 2020) |
| Exhibit 130 | Stipulation regarding value of J&J and JJCI filed in <u>Kleiner v. Johnson & Johnson</u> and <u>Johnson & Johnson Consumer Inc.</u> in the Court of Common Pleas, Philadelphia County on August 11, 2021 |
| Exhibit 131 | J&J Form 10-Q, dated July 4, 2021, pgs. 1 and 31 |
| Exhibit 132 | J&J Form 8-K, dated October 19, 2021 |
| Exhibit 133 | Email dated October 26, 2021 from Susan Sharko to Judge Schneider regarding stay of MDL |
| Exhibit 134 | J&J's Reply Brief to PSC's Memorandum of Law regarding Stay of MDL, Doc. 26052, filed on October 26, 2021 |
| Exhibit 135 | Email dated October 27, 2021 from Wayne Fang forwarding correspondence from Chief Judge Wolfson |
| Exhibit 136 | J&J's Omnibus Reply in Support of J&J's Motion for Entry of Order Modifying Automatic Stay filed in <u>In re Imerys Talc America, Inc.</u> , Case No. 19-10289 (LSS), Doc. 1769 (Bankr. Del. May 28, 2020) |
| Exhibit 137 | Email dated December 5, 2020 from Lorena Telofski, FW: Talc – Not For Further Distribution (JNJ 000563635) |
| Exhibit 138 | Debtors' Answers and Objections to Plaintiffs' Steering Committee First Set of Interrogatories, Executed October 28, 2021 |
| Exhibit 139 | Plaintiffs' Second Amended Master Long Form Complaint and Jury Demand, MDL No. 16-2738 (FLW) (LHG), Doc. 16132-2, Filed December 22, 2020 |

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| Exhibit 140 | Indemnification and Defense Agreement (Publix), Dated December 22, 2016 (LTL 0019834) |
| Exhibit 141 | Letter Dated April 10, 2017, re: Walgreen Co. defense and indemnity, sent to Richard Gering from Deborah Moeller (LTL 0020917) |
| Exhibit 142 | Letter Dated April 10, 2017, re: Walgreen Co. defense and indemnity, sent to Richard Gering from Deborah Moeller (LTL 0020766) |
| Exhibit 143 | JJCI and J&J October 2021 Supplemental Responses to Plaintiffs' First Set of Interrogatories, MDL No. 16-2738 (FLW) (LHG) |
| Exhibit 144 | J&J 1977 Annual Report (JNJTALC 000648170) |
| Exhibit 145 | J&J 1981 Annual Report (JNJTALC 000648397) |
| Exhibit 146 | J&J 1982 Annual Report (JNJTALC 000648456) |
| Exhibit 147 | J&J 1983 Annual Report (JNJTALC 000648518) |
| Exhibit 148 | J&J 1984 Annual Report (JNJTALC 000648582) |
| Exhibit 149 | J&J 1985 Annual Report (JNJTALC 000648650) |
| Exhibit 150 | J&J 1986 Annual Report (JNJTALC 000648718) |
| Exhibit 151 | Photos: Johnson's Baby Powder (tin container) |
| Exhibit 152 | Photo: 1985 Bottle, Trial Bottles |
| Exhibit 153 | Photo: Johnson & Johnson Foot and Body Powder (back of bottle) |
| Exhibit 154 | Photos: Shower to Shower |
| Exhibit 155 | Moure-Cabrera Transcript of Jury Instructions |
| Exhibit 156 | Moure-Cabrera Verdict Sheet |
| Exhibit 157 | PSC's Second Amended Notice of 30(b)(6) Deposition of Johnson and Johnson (Tina French Deposition Exhibit 1) |
| Exhibit 158 | Tina French, Deposition Transcript Designation, August 15, 2018 ⁴ |
| Exhibit 159 | John Hopkins, Barden v. Brenntag et al, Trial Transcript Designation, July 22, 2019 |
| Exhibit 160 | Joanne Waldstreicher, M.D., Deposition Transcript Designation, September 14, 2018 ⁵ |

⁴ The video filed for the Exhibit 158 be provided to the Court and opposing counsel and may be presented at the Hearing.

⁵ The video filed for the Exhibit 160 be provided to the Court and opposing counsel and may be presented at the Hearing.

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| Exhibit 161 | Plaintiffs' First Amended Master Long Form Complaint and Jury Demand, MDL No. 16-2738 (FLW) (LHG), Doc. 132, Filed March 16, 2017 |
| Exhibit 162 | J&J Medical Safety Council - JJMSC Charter - 8/9/2013, LTL 0021817 |
| Exhibit 163 | J&J Medical Safety Council - JJMSC Charter - 6/13/2014, LTL 0021827 |
| Exhibit 164 | J&J Medical Safety Council - JJMSC Charter - 9/15/2015, LTL 0021838 |
| Exhibit 165 | Consumer Medical Safety Council (MSC) Operational Charter - 6/26/2017, LTL 0021848 |
| Exhibit 166 | Consumer Medical Safety Council (MSC) Operational Charter - 6/28/2018, LTL 0021859 |
| Exhibit 167 | Consumer Medical Safety Council (MSC) Operational Charter - 3/6/2019, LTL 0021870 |
| Exhibit 168 | What you need to know about the new JJ Medical Safety Standard, JNJTALC000413044 |
| Exhibit 169 | J&J Medical Safety & Innovation: Commitment to a Patient & Consumer - Centered Approach, JNJ000463760 |
| Exhibit 170 | Project Fortis 2016 September, JNJ000547079 |
| Exhibit 171 | Office of Consumer Medical Safety (OCMS), JNJTALC001383292 |
| Exhibit 172 | Declaration of Melanie L. Cyganowski, October 29, 2021 |
| Exhibit 173 | 2018 Draft Screening Assessment on Talc - Health Canada, JNJTALC001094046 |
| Exhibit 174 | 2021 Final Screening Assessment on Talc - Health Canada, JNJTALC001494350 |
| Deposition Exhibit 1 | LTL Management - Witness Disclosure Letter 10/27/2021 |
| Deposition Exhibit 2 | LTL Management - Schirger-Ward Deposition Transcript 10/31/2021 |
| Deposition Exhibit 3 | LTL Management - Lisman Deposition Transcript 10/30/2021 |

The Objecting Parties-in-interest reserve the right to us or introduce additional evidence for rebuttal or impeachment purposes.

List of Witnesses

The Objecting Parties-in-interest do not intend to produce any witnesses but reserve the right to cross-examine any witnesses produced by the Debtor.

Respectfully submitted this, the 3rd day of November, 2021.

**WALDREP WALL BABCOCK
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/s/ Thomas W. Waldrep, Jr.

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(Admitted *pro hac vice*)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **JOINT DESIGNATION OF EXHIBITS AND WITNESSES OF CERTAIN MESOTHELIOMA CLAIMANTS AND THE MDL PLAINTIFFS' STEERING COMMITTEE** was filed electronically in accordance with the local rules and served upon all parties registered in this matter for electronic service through the CM/ECF system.

This, the 3rd day of November, 2021.

**WALDREP WALL BABCOCK
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